REMARKS

Applicant respectfully requests reconsideration of this application. Claims 24-47 are pending. Claims 24 and 43 have been amended. N claims have been cancelled or added. Therefore, claims 24-47 are now presented for examination.

35 U.S.C. §103 Rejection,

Thompson and LaViolette

The Examiner has rejected claims 24-26, 30, and 41-45 under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. Patent No. 5,392,404 of Thompson (hereinafter "Thompson"), and U.S. Patent No. 4,602,327 of LaViolette, et al. (hereinafter "LaViolette"), and subject matter the Examiner has referred to as the "Applicant's admitted prior art".

The Applicant hereby submits that prior arguments provided in the previous Office Action response remain relevant and thus hereby resubmits such arguments.

The current Office Action indicates that "Thompson discloses that preemption is decided based on the predetermined priority (column 4, 40-49); thus Thompson determines whether to allow preemption based at least in part on the pending request." It is submitted that this reference does not address the elements of the claims. As amended here, claim 24 refers to *an amount of* pending read requests. A similar amendment is made to claim 43. In addition to the other differences outlined in earlier submittals, the references in Thompson to preemption, based on some priority, do not relate to any amount of pending read requests and thus are not relevant here.

The current Office Action has made an Official Notice and has added LaViolette as an additional reference in support. It is submitted that the official notice is not relevant

or is not appropriate, is n t supported by LaViolette, and does not provide all of the elements of the claims.

With regard to data requests, the current Office Action indicates that "Th mpson also does not explicitly disclose returning the control back to the processing [that has] been preempted, [but] an 'Official Notice' is taken that it is well known within the scope of a person with ordinary skill in computer art to resume the previous process. Furthermore, LaViolette supports this 'Official Notice' and discloses it is known to process tasks in the order of their associated priorities and the preempted task will be resumed according to its ranked priority (abstract)."

It is respectfully submitted that, first, the Official Notice is not meaningful in this context. To indicate that it is known to resume a previous computer process is not relevant to the claims herein. There may be instances in prior art in which a particular process is resumed, but this cannot mean that an element of resumption is never novel. The Official Notice does not make any reference to, as in claim 24, situation in which there is a determination that preemption is allowed, a determination of a suitable point to preempt a read data transfer; a temporary halt of the read data transfer, a transfer of a read data request from a second agent to a first agent, and a resumption of the read data transfer. The simple statement that resumption of computer processes is known does not make this element known in the context of a novel claim. However, if the Office Action is in fact intended to indicate that in all types of computer processes resumption is known and thus this element cannot novel, it is then submitted that the Official Action is not appropriate.

Second, LaViolette d es not support the Official Action. LaViolette concerns operations for sharing a bus. For example, the reference discusses provision of a circuit for forcing a bus master to relinquish control of a communication bus and allowing the bus master to retry the interrupted operation at a later time. (LaViolette, col. 1, lines 50-54) LaViolette can only be said to indicate that resumption of the types of processes that are discussed in the reference are known. The reference contains no teaching regarding the resumption of computer processes in general. LeViolette does not and cannot support the Official Notice that resumption of computer processes is known.

For at least the above reasons and the reasons submitted in the prior responses, claim 24 is not taught or suggested by the combination of Thompson, LaViolette, and subject matter the Examiner has referred to as the "Applicant's admitted prior art". It is submitted that the above arguments are also applicable to the elements of the remaining independent claims 30, 38, and 43. The remaining claims are dependent claims and are allowable as being dependent on the allowable base claims.

35 U.S.C. §103 Rejection,

Thompson, in view of LaViolette, and in further view of Metz

The Examiner has rejected claims 27-28, 31-40, and 46-47 under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of LaViolette and subject matter the Examiner has referred to as the "Applicant's admitted prior art", and in further view of U.S. Patent No. 5,448,701 of Metz, Jr. et al. ("Metz").

The Metz reference was discussed in the previous office action, and Applicant hereby resubmits such arguments.

The addition of LaViolette does not add anything to the rejecti n contained in the previous Office Action. As indicated above, LaViolette is not relevant to the claims, and does not support the Official Notice presented in the Office Action.

For at least the above reasons, claims 27-28, 31-40, and 46-47 are not taught or suggested by Thompson in view of LaViolette and subject matter the Examiner refers to as "Applicant's admitted prior art", and in further view of Metz. In addition, such claims are dependent claims and are allowable as being dependent on the allowable base claims.

35 U.S.C. §103 Rejection,

Thompson, in view of LaViolette and Metz, and in further view of Leger

The Examiner has rejected claim 29 under 35 U.S.C. §103(a) as being unpatentable over Thompson in view of LaViolette and Metz, and in further view of U.S. Patent No. 5,771,356 of Leger et al. ("Leger") and subject matter the Examiner has referred to as the "Applicant's admitted prior art".

Leger and Metz have been discussed in the previous response, and Applicant hereby resubmits such arguments.

The addition of LaViolette does not add anything to the rejection contained in the previous Office Action. As indicated above, LaViolette is not relevant to the claims, and does not support the Official Notice presented in the Office Action.

For at least the above reasons, claim 29 is not taught or suggested by Thompson in view of LaViolette and Metz and in further view of Leger and subject matter the Examiner refers to as "Applicant's admitted prior art". In addition, claim 29 is a dependent claim and is allowable as being dependent on the allowable base claim.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 4/14/04

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